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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,974	09/15/2003	Gregory Konstorum	ACMI-2.019	2676
22874	7590	11/15/2004	EXAMINER	
GANZ LAW, P.C. P O BOX 2200 HILLSBORO, OR 97123			KASZTEJNA, MATTHEW JOHN	
			ART UNIT	PAPER NUMBER
			3739	
DATE MAILED: 11/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/663,974

Applicant(s)

KONSTORUM, GREGORY

Examiner

Matthew J Kasztejna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 3-4 are objected to because of the following informalities: Applicant should be consistent with wording throughout claims, and therefore "part" should be referred to as "planar part" as is done in claim 2. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 14-16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,855,870 to Russell et al.

In regards to claim 1, Russell et al. disclose an assembly for mounting a part in a housing comprising a mounting surface 2 with a securing assembly having a resiliently deformable securing element 3 for securing a part inside the housing 9 by applying a force causing the part to be secured against the mounting surface (see Col. 3, Lines 1-17).

In regards to claims 2 and 10, Russell et al. disclose an assembly for mounting a part in a housing wherein the mounting surface 2 comprises opposing shoulders 10 for supporting a substantially planar part (see Col. 3, Lines 18-27).

In regards to claim 3, Russell et al. disclose an assembly for mounting a part in a housing wherein the securing element 3 is in direct contact with planar part 1 and the support spine 2 (see Fig. 1).

In regards to claims 4 and 11, Russell et al. disclose an assembly for mounting a part in a housing wherein the planar part is a printed circuit board 1 (see Col. 3, Lines 3-5).

In regards to claim 5, Russell et al. disclose an assembly for mounting a part in a housing wherein the securing element comprises an elongate elastomeric material (see Col. 3, Lines 13-17).

In regards to claim 6, Russell et al. disclose an assembly for mounting a part in a housing wherein the securing element comprises tubular elements 10 which serve to lock the assembly firmly within the tube (see Col 3, Lines 35-45).

In regards to claims 7 and 9, Russell et al. disclose an assembly for mounting a circuit board in an instrument housing comprising: a housing 9, a circuit board 1, and a securing assembly having a resiliently deformable securing element 3 for securing a part inside the housing 9 by applying a force causing the part to be secured against the mounting surface, wherein the securing element 3 is in direct contact with planar part 1 and the support spine 2. Russell et al. further disclose the elastomeric layer 3 as being a vibration-absorbing layer (see Col. 2, Lines 34-35).

In regards to claim 8, Russell et al. disclose an assembly for mounting a circuit board in an instrument housing wherein the securing element comprises an elongate elastomeric material (see Col. 3, Lines 13-17).

In regards to claims 14-16 and 19, the securing assembly of Russell et al. is considered to be inherently capable of the recited method steps.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-13, 17-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,855,870 to Russell et al. in view of U.S. Patent Publication No. 2001/0031912 to Adler.

In regards to claims 12-13, 17-18 and 20, Russell et al. disclose an assembly for mounting a part in a housing comprising a mounting surface 2 with a securing assembly having a resiliently deformable securing element 3 for securing a part inside the housing 9 by applying a force causing the part to be secured against the mounting surface but is silent with respect to using the securing assembly within an endoscope including a solid-state lighting system and image sensor. However, Russell et al. disclose the assembly being used to support electrical circuit boards within tubes. Endoscopes are well-known instruments in the art in which such assemblies are used. Adler teaches of a basic endoscope which may be a rigid or flexible endoscope which consists of five parts: a tubular probe, a small camera head, a camera control unit, a bright light source and a cable set which may include a fiber optic cable. The endoscope is inserted through a small incision; and connected to a viewing screen

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which magnifies the transmitted images of the body's internal structures. It would have been obvious to one skilled in the art at the time of the invention to use the securing assembly of Russell et al. with a basic endoscope having a solid-state lighting system and image sensor in order to provide resistance to mechanical vibration and shock as taught by Russell et al.

Conclusion

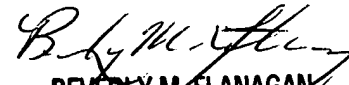
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Kasztejna whose telephone number is (571) 272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJK

11/3/04


BEVERLY M. FLANAGAN
PRIMARY EXAMINER